REMARKS

In the Office Action, Claims 1-15 were rejected. In this Response, no claims are amended, added, or cancelled. Claims 1-15 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendment and the following remarks.

I.   In the Drawings

The Examiner has not indicated whether the drawings filed on July 7, 2003 are accepted or objected to by the Examiner. Applicants kindly request the Examiner to indicate the status of the drawings.

II.   Claims Rejected Under 35 U.S.C. § 102

Claims 1-6 and 8-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0078769 issued to Chen ("Chen").

To anticipate a claim, the Examiner must show that a single reference teaches each of the elements of that claim. Among other elements, Claim 1 recites:

> "wherein the packet loss concealing unit repeats linear prediction coefficients (LPCs) of a last-received valid frame, produces a first excitation signal for the lost frame using a time scale modification (TSM) method, and outputs the first excitation signal to the speech restoring unit, when the lost frame is voiceless, and produces a second excitation signal by re-estimating a gain parameter based on the first excitation signal and outputs the second excitation signal to the speech restoring unit, when the lost frame is voiced."

Applicants submit that Chen does not disclose a packet loss concealing unit that produces a first excitation signal for a voiceless frame and a second excitation signal for a voiced frame, where the second excitation signal is obtained by re-estimating a gain parameter based on the first excitation signal. Rather, Chen discloses the use of an excitation gain to scale an unscaled excitation signal (paragraph 33). Chen does dot disclose that the unscaled excitation signal is for a voiceless frame, and that the scaled excitation signal is for a voiced frame.

In the background section, Chen discloses that "if [the last frame] is voiced, the excitation signal is extrapolated by periodic repetition. If it is unvoiced, the excitation signal is extrapolated by randomly repeating small segments of speech waveform in the previous frame" (paragraph

10). According to Chen, a voiced frame and an unvoiced frame are extrapolated by two independent methods. Chen does not disclose that a voiced frame is produced based on the result of voiceless frame. Thus, Chen does not teach each of the elements of Claim 1.

In regard to Claims 2-6, these claims depend from Claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claim 1, Chen does not anticipate these claims.

Analogous discussions apply to independent Claim 8, which includes the elements of "producing a first excitation signal by performing TSM on an excitation signal produced with respect to a lost frame by repeating LPCs of a last-received valid frame when the lost frame of the packet is voiceless, and producing a second excitation signal by estimating a gain parameter based on the first excitation signal when the lost frame of the packet is voiced."

In regard to Claims 9-14, these claims depend from Claim 8 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claim 8, Chen does not anticipate these claims.

Accordingly, reconsideration and withdrawal of the anticipation rejection of Claims 1-6 and 8-14 are respectfully requested.

III.   Claims Rejected Under 35 U.S.C. § 103(a)

Claims 7 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Chen</u> in view of U.S. Patent No. 6,691,082 issued to Aguilar et al. ("Aguilar").

To establish a *prima facie* case of obviousness, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art.

Claims 7 and 15 depend from Claims 1 and 8, respectively, and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claims 1 and 8, Chen does not teach or suggest each of the elements of Claim 7.

Aguilar does not supply the missing elements as mentioned above. Aguilar is relied on for disclosing a fixed codebook vector. However, Aguilar does not teach or suggest producing "a first excitation signal for the lost frame using a time scale modification (TSM) method....when the lost frame is voiceless," and producing "a second excitation signal by re-estimating a gain

parameter based on the first excitation signal….when the lost frame is voiced." Thus, Chen in view of Aguilar does not teach or suggest each of the element of Claims 1, 8, and their respective dependent claims, namely, Claims 7 and 15.

Accordingly, reconsideration and withdrawal of the § 103 rejection of Claims 7 and 15 are requested.

CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.
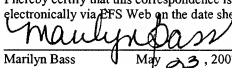
Respectfully submitted,

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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below

Marilyn Bass   May 23 , 2007